

AMENDMENTS TO THE DRAWINGS

By this Amendment, Applicant submits one (1) page of Replacement Drawings (FIGS. 9a, 9b, and 9c) in accordance with 37 C.F.R. §§ 1.81, 1.83, and 1.84.

Attachments: One (1) Replacement Drawing Sheet

SUMMARY OF THE SUBSTANCE OF THE INTERVIEW

The Undersigned Attorney and the Examiner of record conducted a telephone interview on Wednesday, November 7, 2007, to discuss the outstanding objections and rejections presented in the non-final Office Action dated September 28, 2007. Each of the objections to the specification and drawings was discussed, particularly with regard to new FIGS. 6, 7, 8, 9a, 9b, and 9c. The rejection of claim 21 was also discussed. Minor changes to drawings 9a and 9b accompanied by related arguments were suggested to overcome and/or obviate the new matter and enablement issues. A recitation of the illustrative/schematic nature of FIGS. 6, 7, 8, 9a, 9b, and 9c in the written description was suggested. A recitation of reference characters 6i-p (shown in FIG. 9c) in the written description was also suggested.

REMARKS

I. INTRODUCTION

Claims 1-33 are pending in the application. The Applicants gratefully acknowledge the indication of allowable subject matter in claims 1-20 and 22-33. Claim 21 stands rejected under 35 U.S.C. § 112, first paragraph. Applicants hereby amend the specification and drawings in response to the objections and rejections set forth in the Office Action as well as to correct other minor informalities. One (1) sheet of Replacement Drawings (FIGS. 9a, 9b, and 9c) is attached. A Summary of the Substance of the Interview of November 7, 2007, is also included. In view of the foregoing amendments and following remarks, it is respectfully submitted that the application is in condition for allowance. Reconsideration is respectfully requested.

II. SPECIFICATION

In numbered paragraph 1 on page 2 of the non-final Office Action dated September 28, 2007, the amendment filed June 18, 2007 is objected to under 35 U.S.C. § 132(a) because it "introduces new matter into the disclosure." Specifically, the Office Action states that "[n]ew figures 6-9c contain new matter." Page 1, numbered paragraph 1. The Applicant respectfully disagrees for the following reasons.

First, it is respectfully submitted that no new matter was introduced by the submission of figure 6. The Office Action states that "layers are shown having specific thickness which was not originally disclosed." Page 1, numbered paragraph 1. FIG. 6, however, is intended to be *illustrative* and there is nothing in the disclosure that indicates otherwise (e.g., that the figure is to scale). Cf. M.P.E.P. § 2125 ("[I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue."). By this Amendment, the brief description of FIG. 6 is amended to more clearly recite that the figure is merely illustrative and/or schematic. As noted in the previous amendment filed June 18, 2007, support for that which is shown in FIG. 6 can be found, for example, at page 8, paragraph 00023 and/or in claim 13 of the originally filed disclosure (*see also* page 15, paragraph 00055 of the originally filed disclosure). Therefore, no new matter is believed to be entered by FIG. 6.

Second, it is respectfully submitted that no new matter was introduced by the submission of figures 7 and/or 8. The Office Action states that "the layers are shown with specific thicknesses and are shown in a specific orientation not originally disclosed." Page 1, numbered paragraph 1. FIGS. 7 and 8, however, are intended to be *illustrative* and there is nothing in the disclosure that indicates otherwise (e.g., that the figure is to scale). Cf. M.P.E.P. § 2125 ("[I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue."). Furthermore, with respect to the "specific orientation" of the embodiments depicted in FIGS. 7 and 8, the Applicant respectfully submits that the figures merely depict schematic cross-sectional views having different types of hatching based on the respective materials recited in the original disclosure. Each layer's hatching is illustrative and is not intended to indicate any "specific orientation." By this Amendment, the brief descriptions of FIGS. 7 and 8 are amended to more clearly recite that the figures are merely illustrative and/or schematic. As noted in the previous amendment filed June 18, 2007, support for that which is shown in FIGS. 7 and 8 can be found, for example, at page 9, paragraph 00026 and/or in claim 15 in the originally filed disclosure. Therefore, no new matter is believed to be entered by FIGS. 7 and 8.

Third, it is respectfully submitted that no new matter was introduced by the submission of figures 9a and/or 9b. The Office Action states that "the central portion on which 2b is situated was not previously disclosed." Page 1, numbered paragraph 1. The Applicant respectfully disagrees. Support for that which is shown in new FIGS. 9a and/or 9b can be found, for example, at page 10, paragraph 00032 and/or in claim 21 in the originally filed disclosure (*see also* page 16, paragraph 00059 and FIGS. 3e-h in the originally filed disclosure). By this Amendment, however FIGS. 9a and 9b are amended to reflect the tubular nature of the central portion as shown, for example, in FIGS. 3e-h. FIGS. 9a and 9b are also amended to show a breakaway view of the illustrative central portion in order to denote the unspecified nature of any support structure for such illustrative central portion. It is respectfully submitted that one of ordinary skill in the art would understand that the central portion may be supported in various ways and that a detailed description is unnecessary. By this Amendment, the brief descriptions of FIGS. 9a and 9b are also amended to more clearly recite that the figures are merely illustrative and/or schematic. Therefore, no new matter is believed to be entered by FIGS. 9a and 9b.

Lastly, it is respectfully submitted that no new matter was introduced by the submission of figure 9c. The Office Action states that "the tube is shown having specific thickness in relation to the notches 6i-6p not previously disclosed." Page 1, numbered paragraph 1. FIG. 9c, however, is intended to be *illustrative* and there is nothing in the disclosure that indicates otherwise (e.g., that the figure is to scale). Cf. M.P.E.P. § 2125 ("[I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue."). By this Amendment, the brief descriptions of FIG. 9c is amended to more clearly recite that the figure is merely illustrative and/or schematic. As noted in the previous amendment filed June 18, 2007, support for that which is shown in new FIG. 9c can be found, for example, at page 10, paragraph 00032 and/or in claim 21 in the originally filed disclosure (*see also* page 16, paragraph 00059; FIGS. 3e-h in the originally filed disclosure). Therefore, no new matter is believed to be entered by FIG. 9c.

III. DRAWINGS

In paragraph 2 on pages 2-3 of the Office Action, FIG. 9c is objected to for failing to comply with 37 C.F.R. § 1.84(p)(5), for including reference characters 6i-p which are not mentioned in the specification. In response, numbered paragraph 00066 of the Substitute Specification (Clean Copy) submitted June 18, 2007, is hereby amended to more clearly describe FIG. 9c, including a recitation of reference characters 6i-p in reference to tracks followed by internally disposed chip-removing elements 2b as a result of the force effect due to a crash. Accordingly, it is respectfully submitted that the objection has been overcome. Reconsideration is respectfully requested.

IV. CLAIM REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

In numbered paragraph 4 on page 3 of the Office Action, claim 21 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement because the "claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention" More specifically, the Office Action states that "if the chip-removing elements act on the interior of the polymer tube, it is unclear how the chip-removing elements would be supported to act in the manner claimed" and that "it is unclear how the structure which supports the elements 2b is held in place while the polymer tube is moved during a collision." Page 3, numbered paragraph 4.

The rejection is respectfully traversed. The Applicant respectfully submits that one of ordinary skill in the art would, in fact, understand how the structure upon which the internally disposed chip-removing elements 2b could be supported (i.e., held in place during a collision) even though such details are not explicitly shown or described in the instant application. By this Amendment, FIGS. 9a and 9b are also amended to include a breakaway view in order to indicate the unspecified nature of any support structure for the illustrative central portion. Reconsideration and withdrawal of the rejections are respectfully requested. Additionally, consideration, entry, and acceptance of corrected drawing FIGS. 9a and 9b are respectfully requested.

V. CONCLUSION

Claims 1-33 are pending in the application. All of the stated grounds of objection and rejection are believed to have been properly overcome, traversed, or rendered moot. Furthermore, the present Amendment is believed to be fully responsive to the non-final Office Action dated September 28, 2007. The Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. An early notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that a personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration on the merits is respectfully requested.

Date: 12/19/07

Respectfully submitted,


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